

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68240 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- PATNA COMPLAINT
CASE District- Patna

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Tripurari Kumar S/o Ramnath Singh, R/o Milki (Gorakhari), P.S. Bikram
District Patna.

... .. Petitioner

Versus

1. State Of Bihar
2. Ram Ekbal Sharma, S/o Late Sheo Parsan Singh, R/o Mohalla Kailuchak,
P.S. Masaurhi District- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate.
For the O.P. No. 2 : Mr. Satish Chandra, Advocate.
For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 25-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 420 and 406 of the Indian Penal Code and
Section 138 of the Negotiable Instruments Act, 1881 registered in
connection with Complaint Case No. 67(C) of 2018.

3. It is submitted that the petitioner has been falsely
implicated and as a matter of fact except bald averment of the
complainant, there is no objective material to substantiate the
claim of having paid an amount of Rs. 8,00,000/- to the petitioner.
The amount of Rs. 3,50,000/- said to have been paid to the
petitioner by cheque has never been deposited in his bank
account which thus falsifies the claim of the complainant. As a
matter of fact, it is stated that the O.P. No. 2 along with his brother
and the petitioner were doing contract work together and a
dispute arise with regard to sharing of profits. The petitioner had



given blank cheque to the O.P. no. 2 for being used in official work but the same has been misused.

4. Learned counsel for the complainant appears and opposes the anticipatory bail petition submitting that it is a clear case of cheating by the petitioner who had given a cheque of Rs. 4,50,000/- in the name of the complainant which however subsequently bounced. It is further submitted that the claim of the petitioner that he had handed over blank cheque to the complainant which was misused, is not supported by the averment in paragraph-8 of the anticipatory bail petition which merely indicates that a cheque had been given to the O.P. No. 2 in good faith.

5. Having regard to the nature of accusations and gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed. Considering that the matter relates to a financial dispute between the parties and the accusation under Section 138 of the N.I. Act is bailable in nature, if the petitioner surrenders and seeks for regular bail before the court below, the same shall be considered and disposed of on the same day on its own merits.

(Vikash Jain, J)

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